

S U M M A R Y A C T I O N M I N U T E S



REGULAR MEETING OF THE BOARD OF SUPERVISORS ORANGE COUNTY, CALIFORNIA

Tuesday, May 6, 2003, 9:30 A.M.

BOARD HEARING ROOM, FIRST FLOOR
10 Civic Center Plaza
Santa Ana, California

THOMAS W. WILSON
CHAIRMAN
Fifth District

JAMES W. SILVA
VICE CHAIRMAN
Second District

CHARLES V. SMITH
SUPERVISOR
First District

BILL CAMPBELL
SUPERVISOR
Third District

CHRIS NORBY
SUPERVISOR
Fourth District

ATTENDANCE: Supervisors Smith, Campbell, Norby and Wilson

EXCUSED: Supervisor Silva

PRESENT: COUNTY EXECUTIVE OFFICER James D. Ruth, Interim CEO
COUNTY COUNSEL Benjamin P. de Mayo
CLERK OF THE BOARD Darlene J. Bloom

INVOCATION: Supervisor Norby, Fourth District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Campbell, Third District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Chairman Wilson and Supervisor Campbell presented resolutions to County Employees on their retirement

Supervisor Campbell presented a resolution recognizing Foothill High School Lady Knights Water Polo Team on their CIF Division 1 Championship

II. CONSENT CALENDAR (Items 1-32)

13245 **APPROVED AS RECOMMENDED WITH THE EXCEPTIONS OF ITEM 27 WHICH WAS**
X **DELETED; ITEM 29 WHICH WAS CONTINUED TO 5/13/03, 9:30 A.M.; AND ITEM 32**
WHICH WAS PULLED FOR DISCUSSION AND SEPARATE VOTE

BOARD APPOINTMENTS

1. **Chairman Wilson** - Orange County Human Relations Commission - Reappoint Pat Krone, Newport Beach, for term ending 5/2/05

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COMMENDATIONS/PROCLAMATIONS

Supervisor Smith:

2. Adopt resolution recognizing May 2003 as Elder Abuse Prevention Month and commending various agencies for their visionary work in the prevention and treatment of elder abuse
RESO: 03-141
3. Adopt resolution congratulating the organizers of Elder Abuse Forensic Center and commending them for their visionary work in prevention and treatment of elder and disabled adult abuse
RESO: 03-142

Chairman Wilson:

4. Adopt resolution recognizing Designated Drivers Association of Orange County
RESO: 03-143
5. Adopt resolutions recognizing County programs awarded 2003 NACo Acts of Caring Awards: The Orange County Public Library READ/OC Families for Literacy/Smart Start, The Council on Aging and the Probation Community Action Association's 'Storytime' Program
RESO: 03-144 - 03-146
6. Adopt resolution proclaiming May 2003 as Community Action Month
RESO: 03-147

COMMUNITY SERVICES AGENCY

7. Approve agreements with Rebuilding Together Orange County, South County Senior Services, Inc. and St. Jude Medical Center for Older Americans Act/Family Caregiver Support Program services, 4/29/03 - 6/30/03 (\$411,749) - All Districts (Continued from 4/29/03, Item 9)

HEALTH CARE AGENCY

8. Approve agreement with Capistrano Unified School District Special Education Local Planning Area for California Children Services; and authorize Director or designee to execute agreements with individual providers - All Districts
9. Approve agreement with the 32nd District Agricultural Association for use of two buildings, arena and portion of parking lot for bioterrorism emergency, Orange County Fair and Exposition Center; and make California Environmental Quality Act findings - District 2
10. Approve agreement with Community Care Center, Inc. for Mental Health Skilled Nursing Facility and Special Treatment Program, 5/1/03 - 6/30/04 - All Districts

INTEGRATED WASTE MANAGEMENT DEPARTMENT

11. Approve assignment of agreement from Aliso Water Management Agency and South East Regional Reclamation Authority to South Orange County Wastewater Authority for waste disposal - All Districts

JOHN WAYNE AIRPORT

S U M M A R Y A C T I O N M I N U T E S

12. Approve consent to construction with Southwest Airlines Company and lease amendments with Southwest Airlines Company, Northwest Airlines, Inc., US Airways, Inc. and Aloha Airlines, Inc. for reallocation of ticket counters; and make California Environmental Quality Act and other findings - District 2

PUBLIC FACILITIES AND RESOURCES DEPARTMENT

13. Receive and file Traffic Committee reports dated 3/20/03; approve recommendations; and adopt necessary resolution - Districts 3 and 5
RESO: 03-148
14. Deny bid protest from Palp, Inc. dba Excel Paving Company; receive bids and award contract to E.A. Mendoza, Inc. for construction of Arroyo Trabuco Bikeway Phase 2, Rancho Santa Margarita (\$198,100) - District 5
15. Approve price agreement N1000005079 with Protection Services Industries for monitoring and repair of leased audio-intrusion security, 5/1/03 - 4/30/04 (\$33,000 per year); renewable for two additional years; authorize Director or designee to execute necessary changes; and make California Environmental Quality Act findings - All Districts
16. Accept work with Hardy & Harper Inc., for modifications and improvements to Ralph B. Clark Regional Park, Buena Park and Craig Regional Park, Fullerton; project completed 3/4/02 (\$87,650) - Districts 3 and 4
17. Approve release of security for street improvements, street lights and monumentation, Tract 15540, Irvine Community Development Company, Newport Beach - District 5
18. Approve release of security for street improvements, street lights, landscaping and monumentation, Tract 15394, Irvine Community Development Company, Newport Beach - District 5
19. Accept work with American Asphalt South, Inc. for slurry seal of various streets; project completed 7/2/02 (\$1,465,655.76) - Districts 1, 3 and 4
20. Adopt resolution accepting offer of dedication of 10.5 acres from Seacliff Estates, Harriett Wieder Regional Park; and make California Environmental Quality Act findings - District 2
RESO: 03-149

SOCIAL SERVICES AGENCY

21. Approve cash donations from The Capital Group Companies Charitable Foundation for Operation Santa Claus Campaign (\$10,000) - All Districts
22. Approve cash donation from Marilyn Shaner Trust for Orangewood Children's Home (\$100,000) - All Districts

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PUBLIC PROTECTION

23. **District Attorney** - Approve amended agreement with U.S. Department of Justice for participation in Strategies in Community Prosecution Grant Program, term ending 6/30/03 (\$150,000; new total \$300,000) - All Districts

Sheriff-Coroner:

24. Approve price agreement N1000005111 with FM International for maintenance and support of Tririga Inc. Facility Center computer software, 6/1/03 - 5/31/08 (\$169,715) - All Districts
25. Approve expenditure of funds for picnic honoring volunteers in Correctional Programs Unit on 5/17/03 at Hart Park, Orange (\$4,000) - All Districts
26. Authorize use of County vehicles for fundraising event, "Peace Officer's Memorial Ride" benefiting Orange County Sheriff's Advisory Council's Project 999, 5/17/03 - 5/21/03; and make appropriate findings - All Districts

GENERAL ADMINISTRATION

County Executive Office:

27. Receive and file 2002 Orange County Employees Retirement System Preliminary Annual Financial Report - All Districts
13245
X **DELETED**
28. Receive and file report on charitable organizations actual income/expenses for 2002 and planned activities for 2003; and approve related insurance waivers - All Districts (Continued from 4/8/03, Item 41; 4/29/03, Item 57)
29. Approve price agreement N1000005133 with Mercer Investment Consulting for defined contribution and extra help employees defined benefit programs services, 5/12/03 - 5/11/04 (\$155,000) - All Districts
13245
X **CONTINUED TO 5/13/03, 9:30 A.M.**
30. Approve proposed response to FY 2002/03 Grand Jury Report entitled "Wood Roofs are Dangerous" - All Districts
31. Adopt resolution approving agreement with Los Angeles County and Brea detaching Midbury neighborhood from Consolidated Fire Protection District and approving exchange of property tax revenue - District 3
RESO: 03-150
32. Approve agreement 03-0003SS with Buck Consultants, Inc. for actuarial special services - All Districts
13254
X N **APPROVED AS RECOMMENDED**

END OF CONSENT CALENDAR

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III. DISCUSSION ITEMS (Items 33-46)

COMMUNITY SERVICES AGENCY

33. Authorize negotiation of agreements with various community-based organizations for Older Americans Act and Older Californians Act services; and return to the Board for approval - All Districts
B.O. **CONTINUED TO 5/13/03, 9:30 A.M.**

HEALTH CARE AGENCY

34. Approve Medi-Cal Administrative Activities agreement 03-75080 with State Department of Health Services for reimbursement of funds, FY 2003-04 (\$2,500,000) - All Districts
34125 **APPROVED AS RECOMMENDED**
X
35. Approve amended agreement with Western Youth Services, Inc. (\$1,376,686; new total \$8,374,598) and amendment 2 to agreement with Child Guidance Center, Inc. (\$386,561; new total \$3,697,297) for mental health outpatient services, 7/1/02 - 6/30/03 - All Districts
14235 **APPROVED AS RECOMMENDED**
X
36. Adopt resolution authorizing submission of grant application to California Integrated Waste Management Board for Used Oil Recycling Block Grant funds, 7/1/03 - 6/30/06 (\$756,768); and authorize Director or designee to execute all necessary applications - All Districts
31245 **APPROVED AS RECOMMENDED**
X
RESO: 03-151
37. Accept two grant awards from State Department of Alcohol and Drug Programs for Safe and Drug Free Schools and Communities projects, 1/1/03 - 12/31/05 (\$1,187,386); and authorize Director or designee to execute subsequent amendments - Districts 3 & 4
41235 **APPROVED AS RECOMMENDED**
X

INTEGRATED WASTE MANAGEMENT DEPARTMENT

38. Approve amended agreement with Bryan A. Stirrat & Associates for construction management, quality assurance/quality control and archaeological/paleontological services at Prima Deshecha Landfill, extending term one year (\$600,000; new total \$3,248,803); and find that a formal re-bid would not be cost effective and would delay providing adequate protection to the environment - District 5
53124 **APPROVED AS RECOMMENDED**
X

PLANNING AND DEVELOPMENT SERVICES

39. Receive and file Financial Status Report - All Districts (Continued from 3/11/03; Item 14; 3/18/03, Item 13; 3/25/03, Item 10; 4/1/03, Item 29; 4/8/03, Item 47; 4/29/03, Item 70)
35124 **APPROVED AS RECOMMENDED**
X

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PUBLIC FACILITIES AND RESOURCES DEPARTMENT

40. Approve price agreement N1000004550 with RBF Consulting for assistance with the Retrofitting Opportunities Element of the Orange County Municipal Stormwater Program (\$400,000); renewable for two additional years - All Districts

13245 **APPROVED AS RECOMMENDED**

X

PUBLIC PROTECTION

41. **Sheriff-Coroner** - Adopt resolution approving submission of grant application to Governor's Office of Emergency Services for State Homeland Security Grant Program, FY 2003, and authorize the Sheriff-Coroner to execute any actions necessary for the purpose of obtaining federal financial assistance under Grant Program (\$2,843,469) - All Districts

14235 **APPROVED AS RECOMMENDED**

X

RESO: 03-152

GENERAL ADMINISTRATION

42. **County Counsel** - Second reading and adoption of "An Ordinance Amending Sections 1-6-5 and 1-6-6, of the Codified Ordinances of the County of Orange Adjusting the Limitations on Campaign Contributions" - All Districts (Continued from 4/29/03, Item 76)

43125 **APPROVED AS RECOMMENDED**

X

ORD: 03-013

County Executive Office:

43. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts

34125 **APPROVED SUPPORT OF AB 1442 WITH AMENDMENTS**

X

1 **MOTION TO APPROVE SUPPORT OF SCA2 WITH AMENDMENTS DIED FOR LACK OF 2ND**

43125 **APPROVED MOTION TO OPPOSE SCA2**

NX

1 **MOTION TO APPROVE SUPPORT OF SCA7 WITH AMENDMENTS DIED FOR LACK OF 2ND**

43125 **APPROVED MOTION TO OPPOSE SCA7**

NX

45123 **RECEIVED AND FILED UPDATES ON BILLS OF INTEREST**

X

44. Approve settlement terms for cost sharing of 800 MHz Backbone System expenses; and direct staff to return to the Board with amendment to the Joint agreement - All Districts

B.O. **CONTINUED TO 5/13/03, 9:30 A.M.**

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45. Adopt resolution approving property tax exchange with Irvine regarding annexation by Irvine of former MCAS El Toro - District 3 (Continued from 4/29/03, Item 81)

35124 **APPROVED AS RECOMMENDED**

NX

RESO: 03-153

46. **Supervisor Campbell** - Approve legislative program and procedures - All Districts

B.O. **CONTINUED TO 5/20/03, 9:30 A.M.**

IV. PUBLIC HEARINGS (Item 47)

HEALTH CARE AGENCY

47. Public Hearing to consider adopting resolution updating Health Care Agency Travel Immunization Program Fee Schedule, effective 6/1/03; rescind portion of resolution 92-613; and make California Environmental Quality Act findings - All Districts

B.O. **CLOSED PUBLIC HEARING**

13245 **APPROVED AS RECOMMENDED**

X

RESO: 03-154

V. CLOSED SESSION (Items CS-1-CS-3)

GENERAL ADMINISTRATION

County Counsel:

- CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a): Name of Case: Orange County Flood Control District v. Genesta, OCSC Case No. 02CC07674

B.O. **HELD, NO REPORTABLE ACTION**

- CS-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a): Name of Case: Nancy Lin v. County of Orange, ANA372237

B.O. **DELETED**

- CS-3. **County Executive Office** - CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6: Agency Negotiator: Susan Paul Employee Organizations: United Domestic Workers of America, AFSCME, AFL-CIO, In-Home Supportive Services

B.O. **HELD, NO REPORTABLE ACTION**

VI. PUBLIC, BOARD & EMAIL COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

Rosemary Dowd, Greg Esslair, Xuan Pham, Robert Battle, Cynthia Hanna, Shirley Adams, Karen Taber, Al Ybarra, Sergio Contreras, Reina Schmitz - Oral Re: IHSS compensation and benefits

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BOARD COMMENTS:

Supervisor Campbell - Oral Re: Directed CEO to provide his office with a presentation on continued agenda item 33 scheduled for consideration on 5/13/03 to discuss concerns expressed by the City of Brea on proposed reallocation; directed CEO to provide status report on what happens to resolve issues when employee is off on administrative leave with pay after initial 15-day period; announced May 3rd Constitution Day In Poland celebration in Modjeska Canyon

Supervisor Norby - Oral Re: Announced his participation in joint conference with city, county and state leaders regarding State Fiscal Reform

Chairman Wilson - Oral Re: Announced 2003 State Commissioner's Award to Larry Leaman for his Efforts in Child Abuse and Neglect Prevention from Administration on Children, Youth and Families

ADJOURNED: 11:28 A.M.

51234 Adjourned in memory of Mary M. Murray
X

15234 Adjourned in memory of Larry Struve
X

*** KEY ***

Left Margin Notes

1. √ Supervisor Smith
2. √ Supervisor Silva
3. √ Supervisor Campbell
4. √ Supervisor Norby
5. √ Chairman Wilson

- A. √ Abstained
- X. √ Excused
- N. √ No
- BO √ Board Order

Right Margin Notes

- O. √ Ordinance
- R. √ Resolution

Above numbers refer to Supervisorial Districts (1st number = Moved by; 2nd number = Seconded by)

THOMAS W. WILSON, CHAIRMAN
Orange County Board of Supervisors

DARLENE J. BLOOM
Orange County Clerk of the Board